

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.08.2006

Coram

THE HONOURABLE Mr. JUSTICE P.JYOTHIMANI

Writ Petition No.19931 of 2006
and M.P.Nos.2 and 3 of 2006

S.Zacharias

.... Petitioner

-Vs.-

1. Tamil Nadu Electricity Board
Represented by its Chairman
800, Anna salai,
Chennai - 600 002.

2. The Superintending Engineer
Tamil Nadu Electricity Board
Dharmapuri Electricity Distribution Circle,
Dharmapuri.

3. The Assistant Executive Engineer,
O & M Sipcot
Tamil Nadu Electricity Board
Hosur - 635 126.

.... Respondents

For Petitioner : Mr. M.D.Thirunavukkarasu.
For Respondents : Ms. V.Yamuna Devi.

O R D E R

This writ petition is filed challenging the order of the third respondent, dated 21.06.2006, under which the third respondent has placed the petitioner under suspension on contemplating a departmental enquiry as per the Standing Orders governing the Tamil Nadu Electricity Board employees.

2. The impugned order states that the departmental enquiry contemplated is in respect of an alleged behaviour of the petitioner with his superior officials and also using unparliamentary words in the office premises against his superior officers. This Court while issuing notice of motion has granted an order of interim stay against the order of suspension passed by the third respondent. On behalf of the respondents a petition to vacate the order of stay has been filed and the respondents also filed a counter affidavit.

3. Mr. M.D.Thirunavukkarasu, learned counsel appearing for the petitioner would submit that this is a case of mala fide attitude on the part of the respondents and according to the petitioner, it is the third respondent who has used the abusing language and having used the same, the allegation is made as if the petitioner has made against the third respondent. Therefore, according to the learned counsel for the petitioner, this is mala fide.

4. On the other hand, Ms. V.Yamuna Devi, learned counsel appearing for the respondents would take me through the standing orders governing the service conditions of the employees of the respondents-Electricity Board. As per the Standing order, it is very clear that the respondents while taking disciplinary proceedings against the workmen are entitled to place the workmen like that of the petitioner under suspension either pending enquiry or contemplating enquiry. So, according to her, the very order of suspension was passed by the authority who is competent and with jurisdiction to pass the same. As far as the allegation of mala fide is concerned, she would deny the same in any event, according to her that it is an issue to be decided only in the departmental enquiry which is to commence shortly.

5. I have heard the learned counsel for the petitioner as well as the respondents. On the facts of the case, I am satisfied that as per the Rules governing the service conditions of the Tamil Nadu Electricity Board and as seen in the standing orders for workmen issued by the Tamil Nadu Electricity Board, the third respondent is the authority competent to issue the order of suspension against the petitioner who is a line inspector. As far as the allegation about the factual contradiction as to whether the petitioner has abused the third respondent or the third respondent has abused the petitioner is not for this Court to decide at this stage while exercising the powers under Article 226 of the Constitution of India. It is always open to the petitioner to prove in the duly constitute enquiry which is to be conducted by the respondents. In view of the same, I am satisfied that there is absolutely nothing to be interfered in this case. In view of the same, the petition is dismissed. However, taking into consideration that the allegation of mala fide is made against the third respondent, I am of the considered view that the respondents should be directed to frame charges and complete the enquiry on the charges by giving an opportunity of hearing to the petitioner within the specified time. In view of the same, while dismissing the writ petition, the respondents are directed to frame necessary charges against the petitioner, if they desire to do so, and pass orders after giving an opportunity of hearing to the petitioner to prove his case of innocence and such orders shall be passed within a period of six weeks from the date of receipt of a copy of this order. It is made clear that the petitioner shall cooperate with such an enquiry with the enquiry officer.

6. The writ petition stands dismissed on the above terms. No costs. Consequently, the connected MPs are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

srk

To

1. The Chairman
Tamil Nadu Electricity Board, 800, Anna salai,
Chennai - 600 002.
 2. The Superintending Engineer
Tamil Nadu Electricity Board,
Dharmapuri Electricity Distribution Circle, Dharmapuri.
 3. The Assistant Executive Engineer,
O & M Sipcot, Tamil Nadu Electricity Board, Hosur - 635 126.
- 1 cc to Ms.V.Yamuna Devi, Advocate, Sr. 37628

Writ Petition No.19931 of 2006
and M.P.Nos.2 and 3 of 2006

TEJ (CO)
kk 23/8

सत्यमेव जयते

WEB COPY